

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ZOHAR III, CORP., *et al.*<sup>1</sup>

Debtors.

ZOHAR CDO 2003-1, LIMITED; ZOHAR II 2005-1, LIMITED; and ZOHAR III, LIMITED,

Plaintiffs,

v.

PATRIARCH PARTNERS, LLC;  
PATRIARCH PARTNERS VIII, LLC;  
PATRIARCH PARTNERS XIV, LLC;  
PATRIARCH PARTNERS XV, LLC;  
PHOENIX VIII, LLC; OCTALUNA LLC;  
OCTALUNA II LLC; OCTALUNA III LLC;  
ARK II CLO 2001-1, LLC; ARK  
INVESTMENT PARTNERS II, LP; ARK  
ANGELS VII, LLC; PATRIARCH  
PARTNERS MANAGEMENT GROUP, LLC;  
PATRIARCH PARTNERS AGENCY  
SERVICES, LLC; and LYNN TILTON,

Defendants.

Chapter 11

Case No. 18-10512 (KBO)

Jointly Administered

Adv. Pro. No. 20-50534

**Ref. Docket No. 7**

**ORDER AUTHORIZING FILING OF THE COMPLAINT UNDER SEAL**

Upon the motion (the “Motion”)<sup>2</sup> of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order, pursuant to section 107(b) of the Bankruptcy

<sup>1</sup> The Debtors, and, where applicable, the last four digits of their taxpayer identification number are as follows: Zohar III, Corp. (9612), Zohar II 2005-1, Corp. (4059), Zohar CDO 2003-1, Corp. (3724), Zohar III, Limited (9261), Zohar II 2005-1, Limited (8297), and Zohar CDO 2003-1, Limited (5119). The Debtors’ address is 3 Times Square, c/o FTI Consulting, Inc., New York, NY 10036.

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

Code, Bankruptcy Rule 9018, Local Rule 9018-1(b), the Settlement Order, and the Settlement Agreement, authorizing the Debtors to file the Complaint under seal until the conclusion of the monetization process; and upon the recommendation of the Mediator that the Complaint be filed under seal pursuant to paragraph twenty-three (23) of the Settlement Agreement, subject to this Court's ultimate determination of the merits of the Debtors' request to seal the Complaint; and it appearing that there is good and sufficient cause for the relief set forth in this Order; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware, dated February 29, 2012; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this District is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided under the particular circumstances, and it appearing that no other or further notice need be provided; and after due deliberation; and sufficient cause appearing therefor, it is hereby

**ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Motion is GRANTED as set forth herein.
2. The Debtors are authorized to file the Complaint, in its entirety, under seal, until the conclusion of the monetization process.
3. The Complaint shall not be made available to anyone, except to the Court, the U.S. Trustee, the Patriarch Stakeholders, MBIA, the Zohar III Controlling Class, Ankura, U.S. Bank, the respective advisors for each of the foregoing, and other parties in interest as may be ordered or

otherwise required by the Court, and all parties receiving the Complaint shall maintain its confidentiality, including in connection with any pleadings filed with this Court.

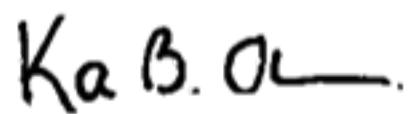
4. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

6. This Court shall retain jurisdiction with respect to all matters arising from or relating to the interpretation or implementation of this Order.

Dated: April 1st, 2020  
Wilmington, Delaware

26238596.1



KAREN B. OWENS  
UNITED STATES BANKRUPTCY JUDGE